

DUNEDIN CITY COUNCIL

WATER BYLAW

2008



Approved by Council: 30 June 2008
Date of Effect: 1 July 2008

TABLE OF CONTENTS

REFERENCED DOCUMENTS.....	5
FOREWORD	6
Adjustment.....	6
Delegated powers	6
Penalties	6
Infringement offences	6
1. INTRODUCTION.....	7
1.1 Title.....	7
1.2 Commencement	7
1.3 Revocation.....	7
1.4 Application of Bylaw	7
1.5 Scope	7
1.6 Definitions	8
1.7 Abbreviations.....	11
2. WATER SUPPLY AREAS	12
3. CONTROL OF CATCHMENTS.....	12
4. INTERPRETATION	12
5. ACCEPTANCE	12
6. PROTECTION OF WATER SUPPLY.....	12
6.1 Water supply system.....	12
6.2 Protection of source water.....	13
7. CONDITIONS OF SUPPLY	15
7.1 Application for supply	15
7.2 Point of supply	16
7.3 Access to and about point of supply.....	21
7.4 Types of Supply.....	22
7.5 Level of service	23
7.6 Continuity of supply	23
7.7 Liability	24
7.8 Fire protection connection.....	24
7.9 Backflow prevention	25

7.10	Council equipment and inspection	25
7.11	Meters and flow restrictors	26
7.12	Plumbing system	27
7.13	Prevention of waste.....	27
7.14	Payment.....	28
7.15	Transfer of rights and responsibilities.....	28
7.16	Change of ownership.....	28
7.17	Disconnection at the customer's request	29
8.	BREACHES AND INFRINGEMENT OFFENCES	29
8.1	Breaches of Conditions of Supply	29
8.2	Restricted flow or disconnections	30
8.3	Interference with equipment	30
8.4	Entitlement.....	30
8.5	Offences.....	30
9	BYLAW ADMINISTRATION	31
9.1	Review of Decision	31
9.2	Charges and Payments	31
9.3	Authorised Officers.....	31
9.4	Services of Documents	32
9.5	Powers of the Chief Executive	32
APPENDIX A: URBAN WATER SUPPLY AREAS		
APPENDIX B: RURAL WATER SUPPLY AREAS		

FIGURES

Figure 1(a) - Example: Point of supply location for individual customers (Domestic)

Figure 1(b) - Example: Typical layout at point of supply (Domestic)

Figure 2 - Example: Point of supply location (double service connection)

Figure 3 - Example: Point of supply location for rear Lots on right-of-way

Figure 4 - Example: Common point of supply for rear Lots on right-of-way

Figure 5 - Example: Separate fire and service connection

Figure 6 - Example: Metered supply with backflow prevention device owned by Customer

TABLE

Table 1 - Compatibility features

REFERENCED DOCUMENTS

Reference is made in this document to the following:

NEW ZEALAND STANDARDS

- NZS 4503:2005 Hand operated fire-fighting equipment.
- NZS 4515:2003 Fire sprinkler systems for residential occupancies.
- NZS 4517:2002 Fire sprinkler systems for houses.
- NZS 4541 :2007 Automatic fire sprinkler systems.
- NZS 9201.1:2007 Model General Bylaws Part 7 – Water Supply 2007

NEW ZEALAND PUBLICALLY AVAILABLE SPECIFICATION

- NZS 4509:2003 New Zealand Fire Service fire fighting water supplies Code of Practice

INTERNATIONAL RECOMMENDATIONS

- OIML R 49-1:2006 Water meters intended for the metering of cold potable water
Part 1: Metrological and technical requirements. *Paris: Bureau International de Métrologie Légale*
- OIML R 49-2:2004 Water meters intended for the metering of cold potable water.
Part 2: Test methods. *Paris: Bureau International de Métrologie Légale*
- OIML R 49-3:2004 Water meters intended for the metering of cold potable water
Part 3: Test Report Format. *Paris: Bureau International de Métrologie Légale*

BRITISH STANDARD

- BS EN 14154-3:2005 Water meters. Test methods and equipment

OTHER PUBLICATIONS

- Ministry of Health. Drinking Water Standards for New Zealand, 2005.
- NZWWA Backflow Code of Practice, 2006
- NZWWA Water Meter Code of Practice, 2003
- Dunedin City Council Water Supply Agreement. (Individual Agreements with specific consumers)
- Dunedin City Council Customer Charter

NEW ZEALAND LEGISLATION

- Building Act 2004
- Fire Service Act 1975
- Health Act 1956
- The Health (Drinking Water) Amendment Act 2007
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Resource Management Act 1991
- Water Supplies Protection Regulations 1961
- Wildlife Act 1953

RELATED DOCUMENTS

- AS/NZS 4020:2002 Testing of products for use in contact with drinking water.

FOREWORD

This Water Bylaw has been prepared using New Zealand Standard 9201 Model Bylaws which covers various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make Bylaws.

The revision has been necessary to give effect to legislative changes such as the introduction of the Local Government Act 2002 and to reflect changes in industry practice.

Adjustment

This Water Bylaw does not pre-empt the outcome of legislative reviews currently underway. The possible repeal of the Water Supplies Protection Regulations 1961, has been considered in a general sense only. The Health (Drinking Water) Amendment Act 2007 has been enacted, however it is not in force until July 2008, and for section 6 (repealing the provisions on pollution of watercourses), 1 July 2013. The Health (Drinking Water) Amendment Act 2007 has been taken into account in the preparation of this Bylaw.

Delegated powers

The delegation of powers to officers of the Council to enforce this Bylaw shall be effected through the Authorised Officer warrants issued under the provisions of section 174 of the Act (refer to section 9.3 of this Bylaw).

Penalties

Information (summons)

The Council can lay an information (summons) to initiate a proceeding against a person in the criminal courts under the Summary Proceedings Act 1957 for any breach of the Bylaw. Penalties are set out in clause 242 of the Act.

Prosecution

The Council can commence a prosecution in the criminal courts for breach of the Act and/or Bylaws made under the Act.

Infringement offences

Section 245 of the Act provides for infringement notices for specified offences. Breaches of Bylaws that can be dealt with as infringement offences under the Act are prescribed in regulations issued by the Governor General on the recommendation of the Minister. However at the time of reviewing this Bylaw, no such regulations had been drafted. Once appropriate regulations have been made, the Council will be able to list these infringement offences and the associated fines (not exceeding \$1,000) in this Bylaw. Despite breaches of bylaws not yet being prescribed as infringement offences, section 239 of the Act provides means of enforcing the requirements of the Act.

Options for taking enforcement action

In the event of this Water Bylaw lapsing, the Council still has options for taking enforcement action for certain offences as detailed in the Act. (If there is a Bylaw in place and a person has breached the Bylaw, the local authority can commence prosecutions for offences under the Act and/or for breach of the Bylaw).

DUNEDIN CITY COUNCIL WATER BYLAW

1. INTRODUCTION

1.1 Title

A bylaw of the Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a bylaw to be known as the **Dunedin City Council Water Bylaw 2008** ("the Bylaw").

1.2 Commencement

This Bylaw shall come into force on 1 July 2008.

1.3 Revocation

The Dunedin City Council Supply of Water Bylaw and the Dunedin City Council Terms and Conditions for the Supply of Water (approved by Council on 24 June 1992) are revoked by this Bylaw.

1.4 Application of Bylaw

This Bylaw shall apply to the whole of Dunedin City.

1.5 Scope

This Bylaw is made under the authority of the Act for the supply of water by the Council to its Customers. The supply and sale of water by the Council is subject to:

- (a) Acts and Regulations
 - (i) Building Act 2004.
 - (ii) Fire Service Act 1975.
 - (iii) Health Act 1956.
 - (iv) Health (Drinking Water) Amendment Act 2007
 - (v) Local Government Act 2002.
 - (vi) Local Government (Rating) Act 2002.
 - (vii) Resource Management Act 1991.
 - (viii) Water Supplies Protection Regulations 1961 (possibly subject to repeal); and
- (b) Relevant Codes and Standards
 - (i) Drinking Water Standards for New Zealand 2005.
 - (ii) BS EN 14154-3:2005 Water meters. Test methods and equipment.
 - (iii) SNZ/PAS 4509:2003 Fire fighting water supplies Code of Practice.
 - (v) NZWWA Backflow Code of Practice 2006.
 - (vi) NZWWA Water Meter Code of Practice 2003.
 - (vii) DCC Code of Subdivision and subsequent editions.
 - (viii) DCC Water Conservation and Management Plan.
 - (ix) DCC Water Supply Catchment Management Plans.
 - (x) DCC Water Supply Activity Management Plan.
 - (xi) DCC Community Plan. (LTCCP)
 - (xii) DCC Annual Plan.
 - (xiii) DCC Water Supply Agreement.
 - (xiv) DCC Customer Charter.

1.6 Definitions

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply:

ACT means the Local Government Act 2002 (and any amendments)

APPROVAL OR APPROVED means Approval or Approved in writing by the Council, either by resolution of the Council or by an Authorised Officer or Agent.

AUTHORISED OFFICER OR AGENT means any officer appointed by the Council as an enforcement officer under section 177 of the Act with powers of entry as prescribed by sections 171 – 174 of the Act.

BACKFLOW means a flow of water or other liquid through any Service Pipe or Supply Pipe in a reverse direction to the normal supply flow.

BACKFLOW PREVENTION DEVICE means a device, which must be of a type approved under Water Supplies Protection Regulations 1961, the Health (Drinking Water) Amendment Act 2007 and Backflow Prevention for Drinking Water Suppliers Code of Practice and this Bylaw used to prevent contaminants from being introduced into the network from a Customer's water system.

COUNCIL means the Dunedin City Council and inclusive of its Authorised Officers and/or Agents.

CUSTOMER is a Person who uses, or has obtained the right to use or direct the manner of use of water supplied by the Council to any Premises. Certain Customer's may also have individual Water Supply Agreements.

DETECTOR CHECK VALVE is a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

DETERMINAND means a constituent or property of the water that is determined, or estimated, in a sample. For example, total coliforms (microbial determinand) or turbidity (chemical determinand).

DISTRICT means the legal district of the Council.

DOMESTIC PURPOSES refers to water that is for ordinary use in a residential dwelling and shall include:

- (a) Washing down a car, boat, house, windows and the like;
- (b) Garden watering by hand;
- (c) Garden watering by portable sprinkler (subject to 7.6.3 and 7.6.4);
- (d) Water Blasting.

Water used for domestic purposes may also include use in a fire sprinkler system in accordance with NZS 4517:2002. For use from such a system to be classified as an ordinary use, the Customer shall comply with the conditions set under 7.8.

DRINKING WATER STANDARDS for NEW ZEALAND (DWSNZ 2005) are New Zealand drinking water standards developed by the Ministry of Health and apply to drinking water (that is, water intended to be used for human consumption, food preparation, utensil washing, oral hygiene or personal hygiene) (see definition of Potable).

EMERGENCY CONDITIONS means an event or incident that incapacitates at least one component of the Water Supply System and/or compromises the ability of Council to maintain a continuous supply of Potable water. This may include, but is not limited to, a natural disaster such as drought, or other civil emergency, or other incident such as contamination or a break in a pipeline.

EXCESSIVE (water use) refers to the situation where On Demand exceeds the upper limit of Ordinary supply being 230m³/connection/yr (or 630 L/property/day).

EXTRAORDINARY SUPPLY is a category of On-Demand Supply and includes all purposes for which water is supplied for Non-Domestic Purposes and may be subject to specific conditions and limitations.

FEES AND CHARGES are the list of items, terms and prices for services associated with the supply of water as adopted by the Council in accordance with the Act.

FIREFIGHTER is an appropriately trained person assessing the Water Supply Systems for Fire Fighting Capability, and accessing them for the purpose of fighting a fire, training and testing.

FIRE FIGHTING CAPABILITY is the supply of water available to the Fire Service for fire fighting that complies with the NZS/PAS 4509:2003 New Zealand Fire Service fire fighting water supplies Code of Practice; where reticulated the required flow of water at a minimum running pressure and adequate duration.

FIXED GARDEN IRRIGATION SYSTEMS refers to garden watering devices that are non-portable, permanent (fixed) systems having either single or multiple watering zones and controlled by a manual tap, electronic or mechanical timer.

INFRINGEMENT means an offence as specified by this Bylaw under sections 245, 244, 242 and 259 of the Act.

LEVEL OF SERVICE is the measurable performance standards on which the Council undertakes to supply water to its Customers. These are presented in the Council's Annual Plan and LTCCP. The Council shall provide water in accordance with the Level of Service contained in the Community Plan (LTCCP) of the Council as outlined below. For those periods where the Level of Service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).

LONG TERM COUNCIL COMMUNITY PLAN (LTCCP) means a long term council community plan adopted under section 93 of the Act.

NON-DOMESTIC PURPOSE means water used for Extraordinary Supply for:

- (a) commercial and business use;
- (b) industrial use;
- (c) horticulture use;
- (d) viticulture use;
- (e) life style blocks (peri-urban or small rural residential);
- (f) fire protection systems other than sprinkler systems installed to comply with NZS4517:2002;
- (g) out of District use (supply to, or within another local authority);
- (h) temporary supply;
- (i) water to tankers from hydrant up-stands;
- (j) residential dwellings or properties with:
 - (i) spas in excess of 10m³ capacity,
 - (ii) swimming pools in excess of 10m³ capacity,
 - (iv) fixed garden irrigation systems;
 - (v) water service(s) in excess of 25mm
- (k) any other nominated use as provided for by a decision pursuant to Section 7.1.1(b)(i).

OWNER means the Person owning the Premises to which water is supplied.

ON-DEMAND SUPPLY is a supply which is available on demand directly from the Point of Supply subject to the agreed Level of Service.

ORDINARY SUPPLY is a category of On-Demand Supply and is the supply of water to a Customer which is used solely for Domestic Purposes and excludes Extraordinary Supply.

NOTICE means written notice.

PERSON means a natural person, a corporation sole and also a body of persons whether incorporated or unincorporated.

POINT OF SUPPLY is the point on the Service Pipe which marks the boundary of responsibility between the Customer and the Council, irrespective of property boundaries (refer to section 7.2).

POTABLE means drinking water that does not contain or exhibit any Determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the New Zealand Drinking Water Standards 2005, and subsequent revisions or any other requirement set by the Ministry of Health.

PREMISES includes the following:

- (a) A Property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

PROPERTY means the land and buildings to which water is supplied.

PUBLICLY NOTIFIED means a notice published in one or more daily newspapers circulating in the Council Rural or Urban Water Supply Areas; or under emergency conditions in the most effective way to suit the particular circumstances.

RESTRICTED SUPPLY refers to water supply that is restricted due to non-compliance with the Bylaw and is different from Restricted Flow Supply. The flow rate will still be at least two litres per minute at the tap nearest the meter.

RESTRICTED FLOW SUPPLY is defined as one where a small continuous flow is supplied by a flow control device, and storage is provided by the Customer to cater for the Customer's demand fluctuations.

RESTRICTOR is a control device fitted to the service pipe to regulate the flow of water to a Customer's Premises.

ROADING AUTHORITY means either a Territorial Authority or Transit New Zealand.

RURAL WATER SUPPLY AREAS are areas formally designated by the Council as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via Restricted Flow Supplies and/or On Demand supplies but not necessarily with a Fire Fighting Capability. These are shown on maps in Appendix B. Also refer to section 7.15 (a).

SERVICE PIPE is that section of water pipe between a watermain and the Point of Supply, and owned and maintained by the Council.

SERVICE VALVE (Toby) is the valve at the end of the Service Pipe (refer to section 7.2)

STORAGE TANK means any tank having a free water surface.

SUPPLY PIPE is that section of pipe between the Point of Supply and the Customer's Premises through which water is conveyed to the Premises, and owned and maintained by the Customer.

TERMS AND CONDITIONS are those clauses outlined in this Bylaw and apply to the supply of water by the Council.

URBAN WATER SUPPLY AREAS are areas formally designated by the Council as an area serviced by a reticulated water supply system that is intended to supply water to Customers via On Demand supplies with a Fire Fighting Capability (see Appendix A).

WATER and WASTE SERVICES BUSINESS UNIT (WWSBU) is the operational unit of the Council responsible for the supply of water, including its Authorised Officers and/or Agents.

WATER SUPPLY AGREEMENT is a formal agreement between Council and a Customer ("company") that sets out the rights and obligations of the Council and the company and the company's rights in any dispute with the Council. Such agreements will generally be with Customers that have high water consumption or unusual requirements.

WATER SUPPLY CATCHMENT MANAGEMENT PLANS are management plans that contain the policies and practices which will govern day to day operations of the Council's water supply catchments. (Note: *The development of catchment management plans is scheduled to occur from 2007 to 2012.*)

WATER SUPPLY SYSTEM includes all those components of the water supply network from the point of abstraction which form the natural environment to the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, service pipes, boundary assemblies, meters, backflow preventers and tobies.

WATER UNIT is defined as one water unit that is delivered at the rate of 1 m³ per day (1000 litres), and is the basis of measurement for a Restricted Flow Supply for a Rural Water Scheme.

WORKING DAY¹ means any day of the week, other than:

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day; and
- (b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

1.7 Abbreviations

AS/NZS	Australia Standards/New Zealand Standards
BS	British Standards
DCC	Dunedin City Council
DWSNZ	New Zealand Drinking Water Standards
L	litre
L/s	litre per second
LTCCP	Long Term Council Community Plan
m	metre/metres
m ³	cubic metre
SNZ/PAS	Standards New Zealand Publicly Available Specification
NZWWA	New Zealand Water Waste Association
WWSBU	Water and Waste Services Business Unit

¹ It is acknowledged that some industries work 7 days per week, and that the above definition Working Day specifically relates to the 'business day' timeframe for processing applications and other Council-related document requirements associated with the management of the Water Supply System.

2. WATER SUPPLY AREAS

The Council's Urban and Rural Water Supply Areas are shown on maps in Appendix A and B respectively.

These areas show the boundaries of the various water schemes, define the reticulated areas of the city and differentiate between the city's urban and rural water schemes.

No new connections will be permitted to properties lying outside these water scheme boundaries. Any future adjustment to the water scheme boundaries and rules or the addition of any new water scheme areas shall be made by way of the Special Consultative Procedure under section 83 of the Act.

3. CONTROL OF CATCHMENTS

The protection of source water is a fundamental requirement of managing risk to public health by being the first step in the multi-barrier system for water collection and treatment.

Access to catchments will be controlled through the Council's Water Supply Catchment Management Plans (Refer to 6.2)

4. INTERPRETATION

- (a) In this Bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.
- (b) The words "shall" or "will" identifies a mandatory requirement for compliance with the bylaw.
- (c) The word "should" refers to practices that are advised or recommended.
- (d) Defined terms are shown throughout the text of this Bylaw starting with capital letters.

5. ACCEPTANCE

Any Person being supplied, or who has made an application to be supplied with water by the Council is deemed to accept the Terms and Conditions in this Bylaw, and any subsequent amendments.

6. PROTECTION OF WATER SUPPLY

6.1 Water supply system

6.1.1 Access to system

No Person other than the Council and its Authorised Agents shall have access to any part of the Water Supply System, except to connect to the Point of Supply, if approved under 6.1, and to operate the Service Valve.

6.1.2 No person to connect to or interfere with a water supply system

Except as set out in 6.1.1, 6.1.3 and 6.1.4, no Person shall make any connection to, or otherwise interfere, with any part of the Water Supply System.

6.1.3 Fire hydrants

Only the attending Fire Services shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training and testing.

(Note - use of the fire hydrants by untrained personnel can result in damage to the Water Supply System).

6.1.4 Other uses

The right to gain access to, and draw water from the Water Supply System, for uses other than fire fighting (for example, flow testing or pipe flushing), shall be restricted to:

- (a) The Council or its Authorised Agents;
- (b) Permit holders, being those Persons who after having submitted an application to the Council are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits being valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the Council may remove and hold any equipment used by an offender to gain access to, or draw water from, a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs. The owner of property that has been removed and held by the Council may request return of the property, and review any refusal to return property, by following the procedure provided in section 167 of the Act.

6.1.5 Working around buried services

The following apply:

- (a) The Council shall keep accurate permanent records ('as-builts') of the location of its buried services associated with its Water Supply System. This information shall be available for inspection at no cost to users. Reasonable charges may be levied to cover the costs of providing copies of this information.
- (b) Any Person proposing to carry out excavation work must view the as-built information to establish whether or not components of the Council's services are located in the vicinity. At least 5 Working Days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate the Council will mark out to within +/- 0.5m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The Council may charge for this service.
- (c) When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification.
- (d) Any damage which occurs to Council services must be reported to the Council immediately. The person causing the damage shall reimburse the Council for all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.

(Note - excavation within roadways is also subject to the permit process of the appropriate Roading Authority).

6.2 Protection of source water

6.2.1 Water Supply Catchment Management

The management of the Council's water supply catchments shall be enabled through the implementation of Water Supply Catchment Management Plans. These management plans will contain the policies and practices which will govern day to day operations of the catchments.

(Note - the development of catchment management plans is scheduled to occur from 2007 to 2012.)

The general outline of the Water Supply Catchment Management Plans is contained in 6.2.2, 6.2.3, 6.2.4 & 6.2.5.

6.2.2 Catchment classes

Catchment areas from which untreated (source) water is drawn (abstracted) for the purposes of water supply may be designated as:

- (A) Controlled.
- (B) Restricted.
- (C) Open.

These may apply to both surface water and/or groundwater catchment areas.

6.2.3 (A) Controlled catchments

The following conditions apply:

(a) *Entry*

Catchment areas which are designated as "controlled", or any area held by the Council as a water reserve, shall not be entered by any Person except those specifically authorised or permitted in writing by the Council. Within such areas, unless provided for by the Council, no person shall:

- (i) Camp.
- (ii) Take or allow to stray any livestock.
- (iii) Bathe or wash anything.
- (iv) Deposit any dirt, rubbish or foul material of any kind.
- (v) Defecate.

(b) *Permits*

Entry permits shall forbid, regulate or control the following activities:

- (i) Hunting, trapping, shooting or fishing.
- (ii) Lighting or maintaining any fire.
- (iii) Taking of any dog or other animal.
- (iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property.
- (v) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals.
- (vi) Use of any pesticide or toxic substance for any purpose whatsoever.

A Person may be required to present a medical clearance before an entry permit can be issued.

(c) *Permits to be presented*

Unless the Council permits:

- (i) No Person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the Council as a water reserve without presenting such a permit for inspection by an Authorised Officer and notifying the Authorised Officer of their intention of entering or leaving such an area as the case may be.
- (ii) Every Person on any controlled catchment area or land held by the Council as a water reserve shall upon demand produce any such permit for inspection by the Council or other Authorised Officer of the Council.
- (iii) No permit issued shall be capable of being transferred.

(iv) The Council may at any time, by Notice in writing delivered to the holder, revoke or suspend any such permit for such time as shall be stated in such a Notice.

(d) *Interference and obstruction*

In any controlled catchment area or any land held by the Council as a water reserve:

(i) Every Person shall upon the request of the Council or other Authorised Officer of the Council immediately leave the controlled catchment area or land held by the Council as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Bylaw. Failure to leave the controlled catchment area shall constitute a further offence.

(ii) No person shall obstruct or hinder any duly appointed Authorised Officer or Agent of the Council in the exercise of any powers vested in that officer under the provisions of this Bylaw.

6.2.4 (B) Restricted catchments

Catchment areas which are designated "restricted" shall allow certain activities, but shall be managed as "controlled" catchments for other activities (refer to 6.2.3). Within "restricted" catchment areas persons undertaking the following activities will be allowed unrestricted entry:

- (i) Tramping;
- (ii) Hunting;
- (iii) Trapping;
- (iv) Shooting;
- (v) Fishing.

6.2.5 (C) Open catchments

In "open" catchment areas whether designated or not, there will generally be no restriction on activities other than any provisions of the regional or district plans and any National Environmental Standards.

6.2.6 Spillages and adverse events

In the event of a spillage, or any event which may compromise the water supply, the Person responsible for the event shall advise the Council without delay. This requirement shall be in addition to those other notification procedures which are required for other authorities.

7. CONDITIONS OF SUPPLY

7.1 Application for supply

7.1.1 Initial application

The following apply:

- (a) Every application for a supply of water shall be made in writing on the standard Council form, accompanied by the prescribed charges. The applicant shall provide all the details required by the Council.
- (b) On receipt of an application the Council shall, after consideration of the matters in 7.4, either:
 - (i) Approve the application and inform the applicant of the type of supply, the size of the connection, any particular conditions applicable, and the general

Terms and Conditions (including Level of Service) under which water will be supplied; or

- (ii) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (c) For the agreed Level of Service to the applicant, the Council will determine the sizes of all pipes, fittings and any other equipment, up to the Point of Supply. The Council will supply and install the Service Pipe up to the Point of Supply at the Customer's cost; or may allow the supply and installation of the Service Pipe to be carried out by Approved contractors.
- (d) The Customer must have the authority to act on behalf of the Owner of the Premises for which the supply is sought, and shall produce written evidence of this if required.
- (e) No connection(s) shall be made to the existing water supply system without an application that has been Approved by the Council.
- (f) Where a Customer is an existing user of the supply (i.e. has an existing connection/s), no application is required under this Bylaw in relation to the existing connection/s, providing they were legally established to begin with.
- (g) An Approved application for supply which has not been actioned within 6 months of the date of application, will lapse unless a time extension has been Approved. Any refund of fees and charges shall be at the discretion of the Council.

7.1.2 Change of use

Where a Customer seeks a change in the Level of Service or end use of water supplied to Premises, and/or the supply changes from an Ordinary to an Extraordinary type (refer to 7.5) or vice versa, a new application for supply shall be submitted by the Customer.

7.1.3 Prescribed Charges

Charges applicable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Act;
- (c) A financial contribution charge determined in accordance with the Resource Management Act 1991.
- (d) Any relevant fees and charges contained within the Council's Annual Plan and LTCCP.

7.2 Point of supply

7.2.1 Responsibility for maintenance

The Council shall own and maintain the Service Pipe and fittings up to the Point of Supply.
The Customer shall own and maintain the Supply Pipe beyond the Point of Supply

7.2.2 Single ownership

- (a) For individual Customers the Point of Supply shall be located as shown in Figures 1(a) and Figures 2 - 6 or as close as possible where fences, walls or other permanent structures make it difficult to locate the Point of Supply at the required position.
- (b) If the Point of Supply cannot be located as described in 7.2.2 (a), specific Approval for the proposed location is required.
- (c) For each individual Customer there shall only be one Point of Supply, unless otherwise Approved.

The typical layout at a Point of Supply for Domestic and Non-domestic purposes is shown in Figure 1(b) and Figure 6.

Note that for individual Customers, the normal Point of Supply shall be 250mm from the road side property boundary. The precise Point of Supply shall be the downstream thread on the manifold or stopcock assembly. Similarly, for rural supply schemes, the point of supply is the downstream side of the restrictor.

EXAMPLES: DOMESTIC

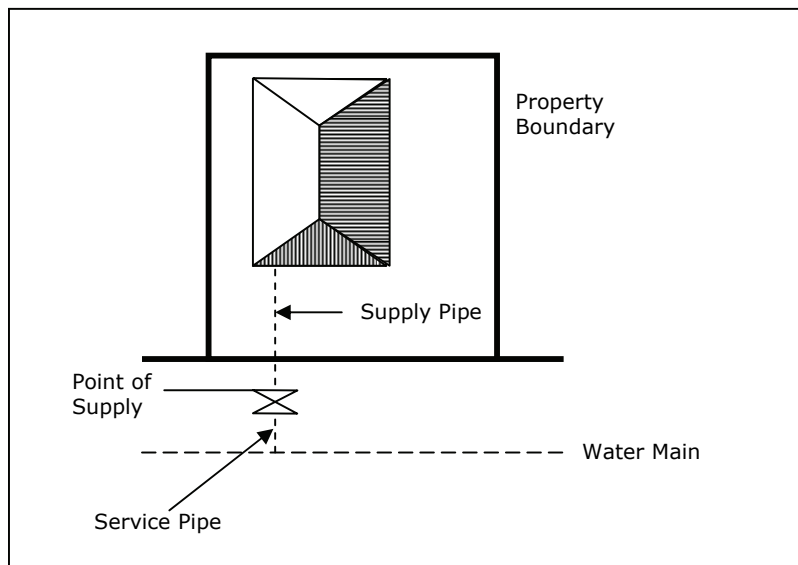


Figure 1(a) - Point of Supply location for individual customers

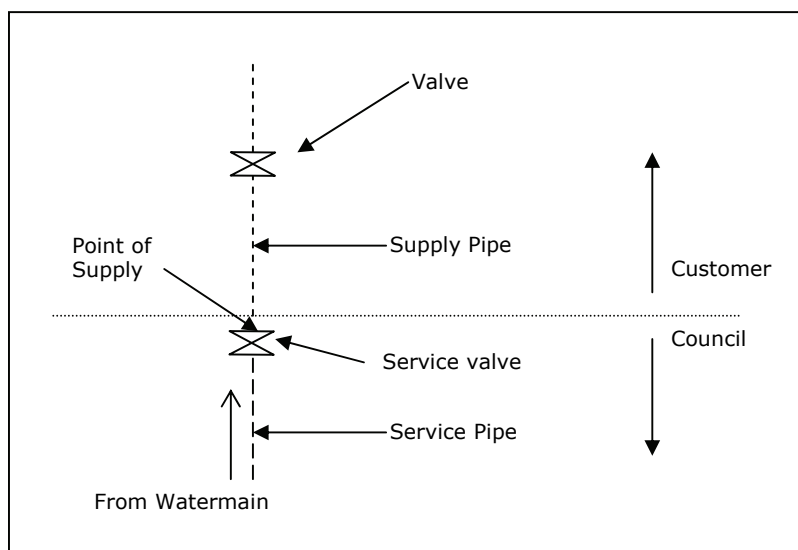


Figure 1(b): Typical layout - unmetered supply.

The Council gives no guarantee as to the serviceability of the valve located on the Service Pipe. Where there is no Customer stopcock, or where maintenance is required between the Service Valve and the Customer stopcock, the Customer may use the Service Valve to isolate the supply. However, the Council reserves the right to charge for maintenance of this valve if damaged by such Customer use.

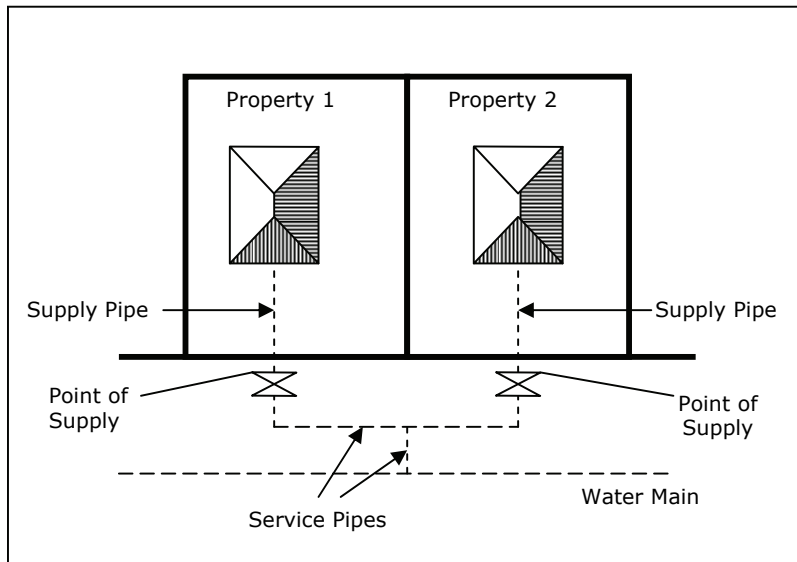


Figure 2 - Point of Supply location for individual customers (double service connection).

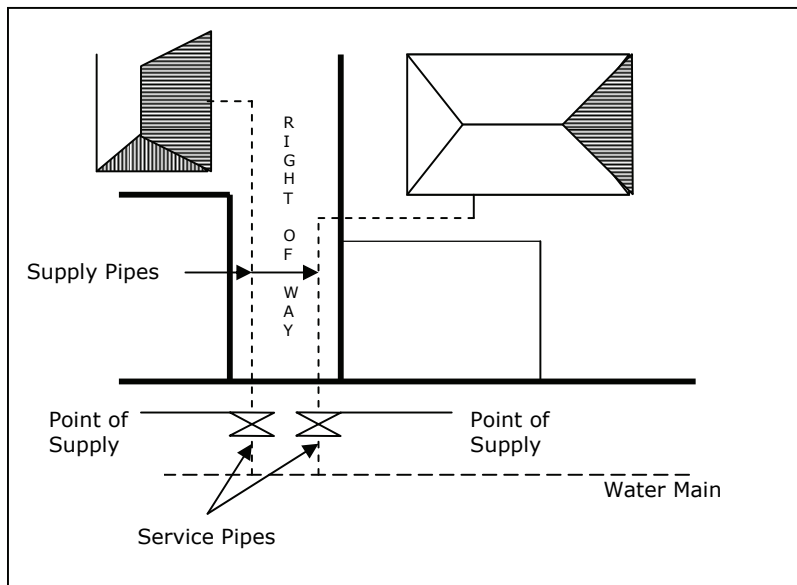


Figure 3 - Point of Supply location for rear Lots on right of way (up to 2 customers)

For rear lots on Rights of Way² with 3 or more customers, the Point of Supply shall be:

- (i) Where there is a common pipe, 250mm on the street side of the Property boundary at the entrance to the Right of Way. In such cases a Body Corporate shall be set up so that maintenance and metering costs can be apportioned (Figure 4).
- (ii) Where there is an individual pipe to each Customer, 250mm from the street side of the boundary at the entrance to the Right of Way.

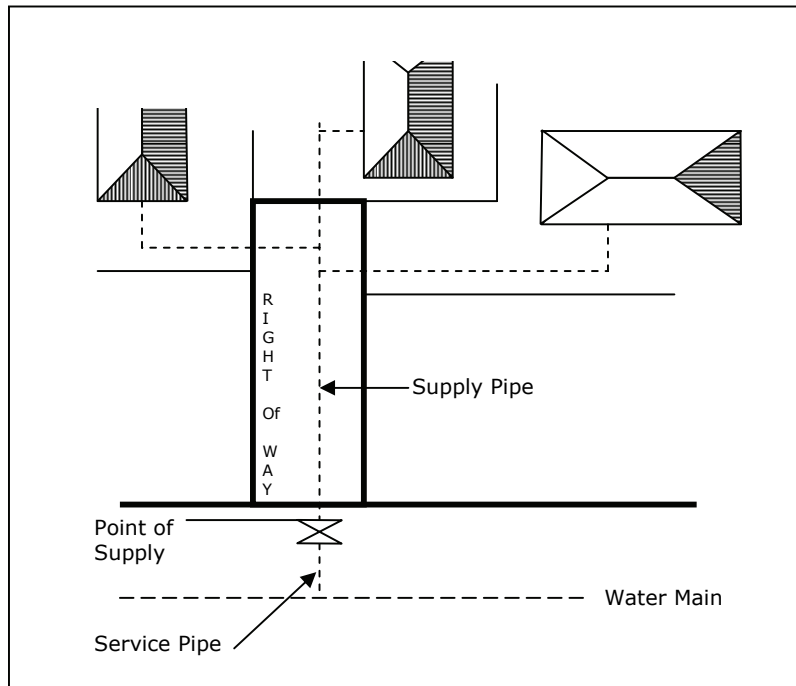


Figure 4 – Common Point of Supply for rear Lots on right of way (3 or more customers)

² Similar terms also used are 'Access Lot' or 'Private Road'.

EXAMPLES: COMMERCIAL, INDUSTRIAL, DOMESTIC FIRE AND SERVICE CONNECTIONS.

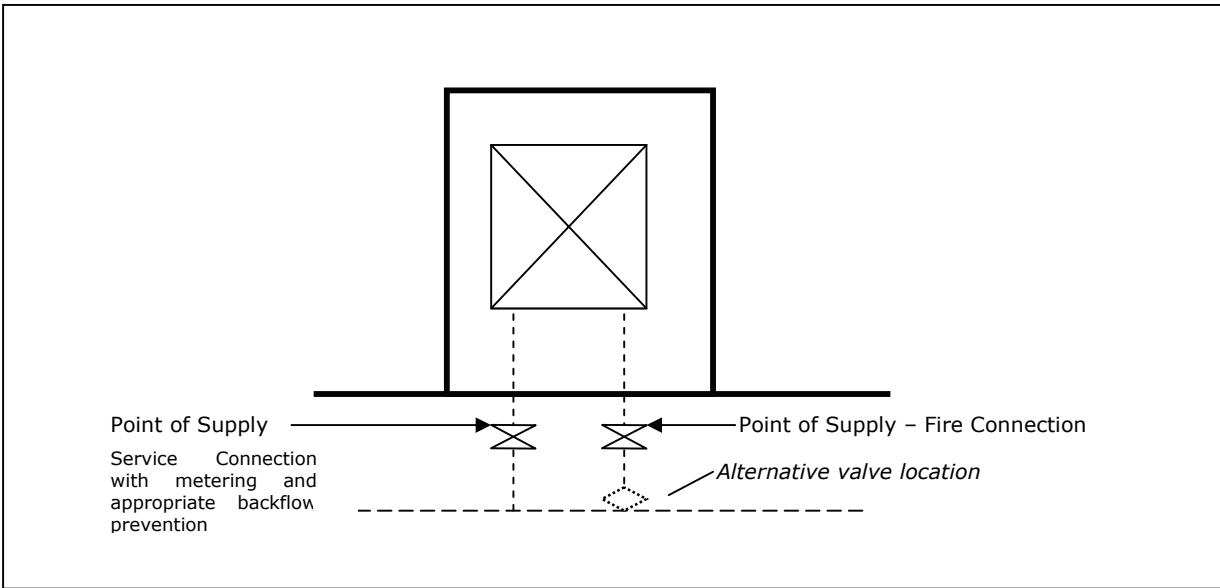


Figure 5: Separate Fire and Service Connection

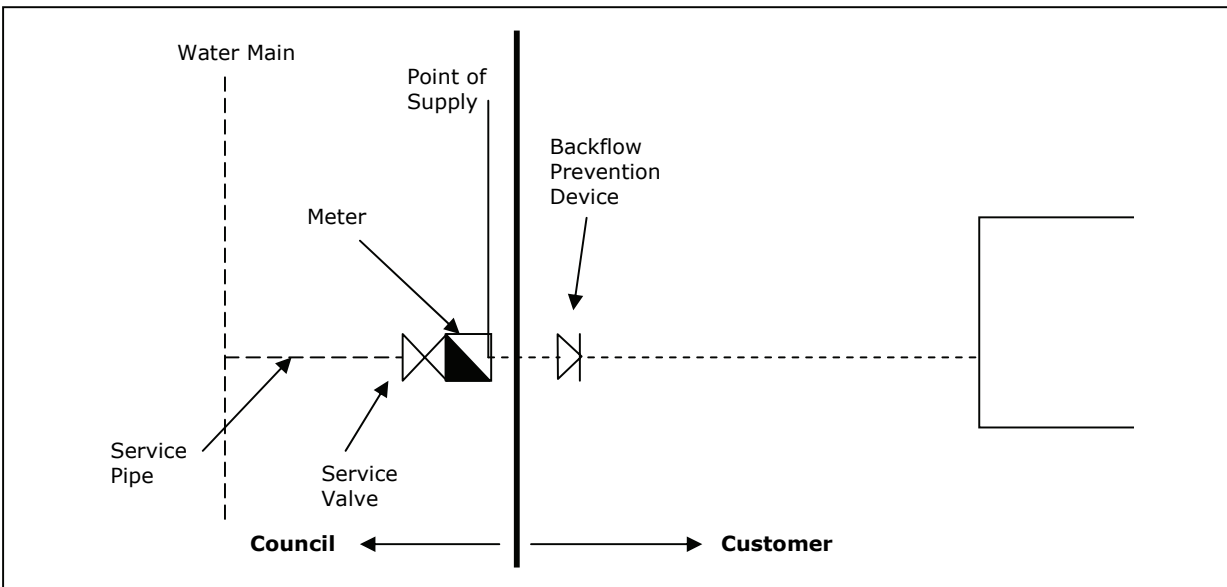


Figure 6: Metered supply with backflow prevention device owned by Customer.

7.2.3 Multiple ownership

The Point of Supply for the different forms of multiple ownership of premises and/or land shall be:

- (a) For Company Share/Block Scheme (Body Corporate) - as for single ownership;
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate) and any other form of multiple ownership - each Customer shall have an individual supply with the Point of Supply determined by agreement with the Council. In specific cases other arrangements may be acceptable subject to individual Approval.

For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the Point of Supply shall be the arrangement existing at that time, or as determined by agreement with the Council for an individual case.

Refer also to Figure 4.

7.3 Access to and about point of supply

7.3.1 Rights of access

Where the Point of Supply is on private property the Customer shall allow the Council access to, and about the Point of Supply between 7.30am and 6pm on any day for:

- (i) Meter reading without notice; or
- (ii) Checking, testing and maintenance work with 2 days' Notice being given by the Council if it is reasonably practicable to do so (refer 7.6.5).

Outside these hours (such as for night time leak detection) the Council will give 2 days' Notice to the Customer;

Where access is not made available for any of the above and a return visit is required by the Council, the Council reserves the right to charge Customers for the time spent making the meter accessible. Such fees will be prescribed as per requirements of the Act and will be set and published as part of the Annual Plan process.

Under Emergency Conditions the Customer shall allow the Council free access to and about the Point of Supply at any hour. As soon as practicable after the Council gains access it shall inform the Customer of the emergency entry.

Note that the situation in 7.3.1 above differs for Rocklands and other Rural Water Supply Areas whereby maintenance contractors may be required to work outside the hours of 7.30am and 6pm. In such cases, alternative arrangements with the property owner are required to be made.

Refer also to 7.10.2.

7.3.2 Maintenance of access

The Customer shall maintain the area in and around the Point of Supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

7.4 Types of Supply

7.4.1 General

Supplies shall be classified as with 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

7.4.2 On demand supply

Every Premises shall be entitled to an Ordinary Supply of water, subject to the following conditions:

- (a) The Premises lying within a Water Supply Area if such an area has been constituted by the Council (refer to Appendix A and B);
- (b) The exclusion of its use for any specified purpose and in particular for garden irrigation, under any restrictions made by the Council under 7.6.3;
- (c) Payment of the appropriate charges in respect of that property;
- (d) Any other charges or costs associated with subdivision and land-use development;
- (e) This Bylaw;

The Council shall be under no obligation to provide an Extraordinary supply of water, (refer also to the provisions of 7.6 and 7.8.2).

An Ordinary Supply of water shall not normally be metered (subject to the Council reserving the right to fit a meter and charge where it considers water use is Excessive or unusually high), and the cost of such supply shall be as prescribed in the Local Government (Rating) Act 2002, Part 1, sections 9, 15 to 19 and Part 4, sections 101 to 103.

7.4.3 Restricted Flow Supply

Restricted flow shall be available only to Premises within a designated area, or under special conditions set by the Council (refer to Appendix B).

The water supply shall be restricted so as to deliver the agreed number of Water Units over a 24 hour period.

The Council shall charge for the Restricted Flow Supply by either:

- (i) The volume passing through a meter at the sole discretion of the Council; or
- (ii) The agreed number of Water Units.

7.4.4 Ordinary use

Ordinary use is for Domestic Purposes in a residential dwelling and Property as defined in this Bylaw (refer to Definitions section).

7.4.5 Extraordinary use

Extraordinary use is water used for Extraordinary (Non-Domestic Supply) purposes as defined in this Bylaw (refer to 'Definitions' section) and shall be normally metered and charged for in accordance with this Bylaw. (Refer also to 7.4.2).

An Extraordinary use shall normally be metered and charged for in accordance with 7.14. Where Extraordinary use is for fire protection only, this supply shall not normally be metered. If metering is required, the meter shall be a unit complying with the relevant fire sprinkler standard.

7.4.6 Mixed Category

Where the supply of water to any premises consists of both Domestic and Non-domestic Supply (Ordinary and Extraordinary use), the Council may require that the whole or part of such supply be treated as either a Domestic or Non-domestic Supply (Ordinary and Extraordinary use) as deemed reasonable in each particular case. This means that for multi-use or multi-tenanted premises, a combination of water rates and charges may apply.

7.5 Level of service

The Council shall provide water in accordance with the Level of Service contained in the Community Plan (LTCCP) of the Council. For those periods where the Level of Service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).

7.6 Continuity of supply

7.6.1 Supply

Due to practical and physical limitations the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of 7.5, subject to the exemptions contained in 7.6.3 and 7.6.4. Refer also to 7.6.2.

Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council shall consult with, or inform or give Notice to all known Customers likely to be substantially affected.

7.6.2 Uninterrupted service

If a Customer has a particular requirement for an uninterrupted Level of Service (flow, pressure or quality), it will be the responsibility of that Customer to provide any storage, back up facilities, or equipment necessary to provide that level of service.

7.6.3 Demand management

The Customer shall comply with any restrictions which may be Approved by the Council to manage high seasonal or other demands (which may also be related to Otago Regional Council resource consent compliance requirements or any variation to a resource consent). Such restrictions will be Publicly Notified.

Even when such restrictions apply the Council will take all practicable steps to ensure that an adequate supply for Domestic Purposes is provided to each Point of Supply.

7.6.4 Emergency restrictions

During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its Customers. Such restrictions shall be Publicly Notified. The decision to make and lift restrictions shall be made by the Council, or where immediate action is required by the manager of the WWSBU, subject to Council ratification.

7.6.5 Maintenance and repair

Wherever practical the Council will make every reasonable attempt to notify the Customer of a scheduled maintenance shutdown of the supply before the work commences. Where

immediate action is required and notification is not practical, the Council may shutdown the supply without notice. Shutdowns shall normally not exceed 8 hours. The provision of alternative means of supply shall be as per the requirements of the Health (Drinking Water) Amendment Act 2007.

7.7 Liability

The Council shall endeavour to meet the Level of Service requirements of 7.5, but it shall not be liable for any loss, damage or inconvenience which the Customer (or any Person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

The Council may, under certain circumstances and solely at its discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure and quality of the water supply.

7.8 Fire protection connection

7.8.1 Connection application

Any proposed connection for fire protection shall be the subject of a separate application (on the standard Council form) and shall be submitted to the Council for Approval. Any such connection shall be subject to the Terms and Conditions specified by the Council

Where a Customer is an existing user of the supply (i.e. has an existing connection/s), no application is required under this Bylaw in relation to the existing connection/s, providing they were legally established to begin with.

7.8.2 Design

It shall be the Customer's responsibility to ascertain, in discussion with the Council and the New Zealand Fire Service, and monitor whether the fire protection supply available is adequate for the intended purpose.

7.8.3 Fire protection connection metering

Where the supply of water to any Premises is metered the Council may allow the supply of water for the purposes of fire-fighting to be made in a manner which bypasses the meter, provided that:

- (a) The drawing of water will only be permitted in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) Where a Council approved Detector Check Valve has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than fire fighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517:2002.

Where a fire connection has been installed or located prior to the coming into effect of these Terms and Conditions, or where that it is likely or possible that water will be drawn from it by any Person for purposes other than fire fighting, the Council may require the supply to be metered. If metering is required, the meter shall be a unit complying with the relevant fire sprinkler standard.

7.8.4 Fire hose reels

Where the supply of water to any Premises is metered, fire hose reels shall be connected only to the metered supply, not to a fire protection system. The water supply to the fire hose reels shall comply with the requirements of NZS 4503:2005.

7.8.5 Charges

Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and when water has been used for fire fighting purposes, the Council shall estimate the quantity of water so used, and, credit to the customers account an amount based on such an estimate.

7.8.6 Ongoing testing and monitoring

Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

7.9 Backflow prevention

7.9.1 Customer Responsibility

It is the Customers responsibility (under the Health Act 1956, The Health (Drinking Water) Amendment Act 2007 and the Building Act 2004) to take all necessary measures on the Customer's side of the Point of Supply to prevent water, which has been drawn from the Councils water supply, from returning to that supply.

These include:

- (a) Backflow prevention either by providing an adequate air gap or by the use of an appropriate Backflow Prevention Device;
- (b) The prohibition of any cross-connection between the Council water supply and
 - (i) Any other water supply (Potable or non-potable)
 - (ii) Any other water source
 - (iii) Any storage tank
 - (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases or other non-potable substances.

Backflow prevention shall be carried out in accordance with the provisions of the Backflow Prevention for Drinking Water Suppliers Code of Practice 2006 and subsequent versions published by the NZWWA.

Note that fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source or a storage tank or fire pump that operates at a pressure in excess of the Council's normal minimum operating pressure.

7.9.2 Unmanaged risk

Notwithstanding 7.9.1 the Council may fit a Backflow Prevention Device on the Council side of the Point of Supply where the Customer cannot demonstrate that the risk of backflow is adequately managed.

7.10 Council equipment and inspection

7.10.1 Care of water supply system

The Customer shall take due care not to damage any part of the Water Supply System, including but not limited to pipework, valves, meters, Restrictors, chambers and Backflow Prevention Devices.

7.10.2 Inspection

Subject to the provisions of the Act, the Customer shall allow an Authorised Officer or Authorised Agent of the Council with or without equipment, access to any area of the Premises for the purposes of determining compliance with this Bylaw.

7.11 Meters and flow restrictors

7.11.1 Installation

Meters for On Demand supplies, and Restrictors for Restricted Flow Supplies, shall be supplied installed and maintained by the Council and shall remain the property of the Council.

Where On Demand supplies are not metered the Council, where it considers water use is Excessive, reserves the right to fit a meter, at the Customers cost, and charge accordingly (refer also to 7.4.2).

7.11.2 Location

Meters and Restrictors shall be located in a position which is readily accessible for reading and maintenance, and if practicable immediately on the Council side of the Point of Supply (see Figure 7).

7.11.3 Accuracy

Meters shall be tested as and when required by the Council and as prescribed in the current Water Meter Code of Practice (OIML R49) published by the NZWWA.

Restrictors shall be tested by measuring the quantity that flows through the Restrictor in a period not less than 1 hour at its expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the Customer on request.

Any Customer who disputes the accuracy of a meter or Restrictor may apply to the Council for it to be tested provided that it is not within 3 months of the last test. If the test shows non-compliance with the accuracy requirements above, the Customer will not be charged for the test. If the test shows compliance, the Customer shall pay the cost of the fee as prescribed by the Council.

7.11.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to such an adjustment.

Where a meter is under-reading by more than 20% or stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, and taking into account any seasonal variations in demand.

Where a meter is over-reading, the Council shall make appropriate adjustments to the Customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over reading is likely to have occurred.

7.11.5 Estimating consumption

Should any meter be out for repair or cease to register, or be removed, or is inaccessible the Council shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous 12 months charged to the Customer) and the Customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Customer shall pay according to such an estimate.

The Customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as described above.

7.11.6 Incorrect accounts

Where a situation occurs, other than as provided for in 7.11.5, where the recorded consumption does not accurately represent the actual consumption on a Property then the account shall be adjusted using the best information available to the Council. Such errors include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

Where an adjustment is required, in favour of the Council or the Customer, this shall not be backdated more than 12 months from the date the error was detected.

7.12 Plumbing system

Quick-closing valves, pumps, or any other equipment which may cause pressure surges to be transmitted within the Water Supply System, or compromise the ability of the Council to maintain its stated Level of Service, shall not be used on any piping directly connected to the Service Pipe. In special circumstances such equipment may be Approved by the Council.

In accordance with the New Zealand Building Regulations the plumbing system shall be compatible with the water supply. Specific features of the Council's water supply which need to be taken into account are contained in Table 1.

Table 1 - Compatibility features

Feature	Value
Maximum Pressure	1600 Kpa
Minimum Pressure	No less than 100 Kpa
Normal Operating pressure	300-900 Kpa
Quality	As per the New Zealand Drinking Water Standards

7.13 Prevention of waste

The Customer shall prevent and not intentionally allow water to run to waste from any pipe, tap or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage and or wastage is uncontrolled.

The Council provides water for consumptive use not as an energy source. The Customer shall not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators or any other similar device, unless specifically Approved by Council.

The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically Approved by Council.

7.14 Payment

The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's Fees and Charges prevailing at the time.

The Council may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

7.15 Transfer of rights and responsibilities

The Customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.

A Supply Pipe shall serve only one Customer, and shall not extend by hose or any other pipe beyond that Customer's property.

In particular and not in limitation of the above any water which the Customer draws from the Council supply shall not be provided to any other party without Approval of the Council.

7.15 (a) Rural Water Schemes

Re-allocation of water unit(s):

- (i) Where a customer relinquishes one or more water units, then the water unit(s) will be made available for re-allocation by the Council at its discretion. Any relinquished units shall not be traded between Rural Water Schemes customers;
- (ii) Where a customer subdivides their property, any existing water units may be re-allocated within that subdivided parcel of land and as determined by agreement with the Council.

7.16 Change of ownership

Non-metered Premises

In the event of a Premises changing ownership the Council will automatically record the new Owner as being the Customer at that Premises.

Metered Premises

For commercial (metered) Premises the Customer may, in some cases, be the tenant and not the Owner. In such cases where a Premises is changing ownership, the Council will continue to record the tenant as the Customer until otherwise informed.

Where a Premises is metered the outgoing Customer shall give the Council at least 2 Working Days notice to arrange a final reading.

7.17 Disconnection at the customer's request

The Customer shall give 20 Working Days notice in writing to the Council of the requirement for disconnection of the supply.

8. BREACHES AND INFRINGEMENT OFFENCES

8.1 Breaches of Conditions of Supply

The following are deemed breaches of the Terms and Conditions to supply water:

- (a) An incorrect application for supply which fundamentally affects the conditions of supply (section 7).
- (b) Failure by the Customer to meet and comply with the conditions of supply in this Bylaw.
- (c) Failure to meet any obligation placed on the Customer under all current Acts and Regulations specified in 1.5(a).
- (d) Frustration of the Council's ability to adequately and effectively carry out its obligations.
- (e) An act or omission including but not limited to:
 - (i) Failure to pay the appropriate charges by the due date;
 - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste or to be misused;
 - (iii) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the Water Supply System, or compromise the ability of the Council to maintain its stated Levels of Service (subject to 7.12);
 - (iv) Failure to prevent Backflow (refer 7.9);
 - (v) Failure to comply with water use restrictions or prohibitions introduced by the Council for any specified purpose;
 - (vi) Theft of water;
 - (vii) Tampering with water metering, restriction devices, service pipes valves and the like which form part of the waterworks system up to the point of supply;
 - (viii) Bypassing water metering, restriction and Backflow Prevention Devices.
 - (ix) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators or any other similar device, unless specifically Approved by Council.
 - (x) Using water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically Approved by Council.
 - (xi) Extending by hose, or any other pipe, a private water supply beyond that Customer's Property, unless specifically Approved by Council
 - (xii) Providing water drawn from the Council supply to any other party without Approval of the Council.

(xiii) Creating a nuisance by allowing water to run onto an adjoining property.

8.2 Restricted flow or disconnections

Restricted flow

(a) In the event of a breach (as outlined in section 8.1) the Council may serve notice on the Customer advising the nature of the breach and the steps to be taken to remedy it. If after 10 Working Days (14 calendar days), the Customer persists in the breach, the Council may again serve notice on the Customer. If, after another 5 Working Days following the second notice, the Customer continues to persist in the breach:

- (i) Where a breach is in relation to non-payment, the Council may opt to only provide a Restricted Supply to the Premises;
- (ii) In such an event, full supply will be reinstated only after payment of the appropriate reconnection fee and remedy of the breach to the satisfaction of the Council.

Disconnections

(b) In the event of a breach (as outlined in section 8.1 (e) (iv)) the Council may serve notice on the Customer advising the nature of the breach and the steps to be taken to remedy it. If after 10 Working Days (14 calendar days), the Customer persists in the breach, the Council reserves the right to disconnect the supply without further notice where:

- (i) The breach is such that the Council is required to disconnect the supply for significant health or safety considerations, such disconnection shall be carried out forthwith.
- (ii) In such an event, the supply will be reconnected only after payment of the appropriate reconnection fee and remedy of the breach to the satisfaction of the Council.

8.3 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with 7.11.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or Restrictor has been tampered with, and recover any costs incurred.

8.4 Entitlement

The Council is entitled to take any steps it is legally authorised to take to enforce breaches of the Bylaw and/or the Act.

8.5 Offences

Every person who:

- (a) Fails to comply with or acts in contravention of any provision of this Bylaw; or
- (b) Breaches the conditions of supply granted pursuant to this Bylaw; or
- (c) Fails to comply with a notice served under this Bylaw,

commits an offence under section 239 of the Act and is liable to be prosecuted in the District Court under section 244 of the Act and is liable to a fine as specified in section 242 of the Act, or is liable to the issue of an infringement notice under section 245 of the Act.

9 BYLAW ADMINISTRATION

9.1 Review of Decision

- (a) If any Person is dissatisfied with any decision by the Council or an Authorized Officer made under this Bylaw, that Person may, by notice delivered to the Chief Executive Officer of the Council not later than 5 Working Days after the decision by the Authorized Officer is served upon that Person, request the Chief Executive Officer to review any such decision and such a decision shall be final.

- (b) Where the decision being reviewed under (a) above is a decision to restrict flow or disconnect under clause 8.2, and a request for a review of the decision is received before the Council restricts the flow or disconnects, the Council shall not restrict the flow or disconnect until the Chief Executive has made his decision on the review. This does not apply to situations where health or safety concerns require the Council to proceed with immediate steps to restrict the flow or disconnect.

- (c) Nothing in this clause shall affect any right of appeal or review available under the Act.

9.2 Charges and Payments

9.2.1 Charges

The Council may recover Fees and Charges in accordance with the Act.

9.2.2 Recovery of costs

In all cases the Council may recover costs under the Act relating to s.150 (Fees) and s.151 (General provisions).

In all cases the Council may recover costs associated with damage to the Water Supply System and/or breach of this Bylaw in accordance with s.175 (Recover for damage by willful or negligent behaviour and s.176 (remedying damage arising from breach of bylaw) of the Act.

In all cases the Council may recover costs of any fine imposed on Council by any other Regulatory Authority, due to a breach of the conditions of a Consent held by the Council issued under the Resource Management Act.

9.2.3 Cease to Supply

The Customer shall be deemed to be continuing to use the water supplied and shall be liable for all charges, until the final meter reading

9.3 Authorised Officers

All Authorised Officers of the Council, or other Persons authorised under s.174 or s.177 or paragraph 32 of Schedule 7 of the Act shall possess and produce on request warrants of authority and evidence of identity.

The extent and level of delegation to Authorised Officers will be in accordance with the Council's Register of Statutory Delegations and Warrants.

Authorisation for entry to Premises is given under sections 171 – 173 and section 182 of the Act and entry will be in compliance with the health and safety policies of that particular site.

9.4 Services of Documents

9.4.1 Delivery or post

Any notice or other document required to be given, served or delivered under this Bylaw to the Customer may (in addition to any other method permitted by law) be given or served or delivered by being:

- (a) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the Customer at their last known place of residence or business;
- (b) Where the Customer is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
- (c) Personally served on the Customer.

9.4.2 Service

If any notice or other document is:

- (a) Sent by post it will be deemed received on the first Working Day after posting;
- (b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be *prima facie* evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- (c) Sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be *prima facie* evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the Premises or is handed to a designated Person(s) nominated by the Customer then that will be deemed to be service on, or delivery to the Customer at that time.

(NOTE - It should be verified that notice has been served on the correct Person).

9.4.3 Signature

Any notice or document to be given, served or delivered shall be signed by an Authorised Officer.

9.5 Powers of the Chief Executive

The Chief Executive of the Council may determine and prescribe the manner or time in which:

- (a) Any forms are drafted or utilized, and
- (b) Flow measuring, monitoring, sampling or analysis is to be undertaken.

APPENDIX A: URBAN WATER SUPPLY AREAS

Also referred to as 'Metropolitan Dunedin', these areas include inner Dunedin City, Green Island, Fairfield, Wingatui, Mosgiel, Outram, East Coast to Brighton, West Harbour, Port Chalmers and the East Harbour; and Waikouaiti.

APPENDIX B: RURAL WATER SUPPLY AREAS

These areas include West Taieri, Rocklands, East Taieri, North Taieri, Waitati, Warrington, Merton/Karitane.